

#4/Pm. A

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08/25/99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Rosenblum, *et al.*

§ ART UNIT: 1643

FILED: May 26, 1999

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§

EXAMINER:

SERIAL NO.: 09/320,156

§

§

FOR: Immunotoxins Directed Against
c-erbB-2 (HER-2/Neu) Related
Surface Antigens

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DOCKET:

D5425CIP2

The Assistant Commissioner of Patents and Trademarks
Box NON-FEE AMENDMENT
Washington, DC 20231



**RESPONSE TO NOTICE TO COMPLY WITH
REQUIREMENTS FOR SEQUENCE DISCLOSURES**

Dear Sir:

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed July 29, 1999, please enter the following amendments. Reconsideration of this application as amended is respectfully requested.

IN THE SEQUENCE LISTING:

Please replace the Sequence Listing filed May 26, 1999 with the Sequence Listing enclosed herein.

REMARKS

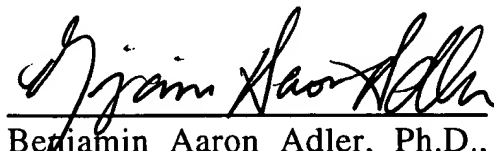
In the sequence listing for the above referenced patent application, line <211> of SEQ ID No. 14 incorrectly lists the length of the amino acid sequence as 15 when it is actually 14. This mistake has been corrected in the revised sequence listing enclosed herein along with the Sequence Compliance Statement, a copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, and an Apple Macintosh formatted computer disk containing the Sequences as file D5425CIP2/SEQ in text format.

This is intended to be a complete response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed July 29, 1999. If any issues remain outstanding, the Examiner is respectfully requested to telephone the undersigned attorney of record for immediate resolution.

Respectfully submitted,

Date: _____

Aug 17, 1999



Benjamin Aaron Adler, Ph.D., J.D.
Registration No. 35,423
Counsel for Applicant

McGREGOR & ADLER, LLP
8011 Candle Lane
Houston, Texas 77071
(713) 777-2321

WD Boreseq Gp 1643

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EXAMINER:

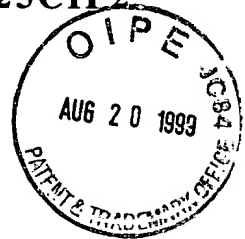
DOCKET:

D5425CIP2

RECEIVED

AUG 24 1999

The Assistant Commissioner of Patents and Trademarks
BOX NON-FEE AMENDMENT
Washington, D.C. 20231



COMPLIANCE OF REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE
DISCLOSURES

Dear Sir:

Applicant provides a computer readable form of the Sequence Listing on the enclosed 3.5 inch disk and a paper copy thereof for the above-referenced application. The disk is a 1.44 mb Apple Macintosh-formatted disk. The file is stored as D5425CIP2/SEQ in text format. I hereby state that the content of the paper copy of the Sequence Listing filed as part of the above-captioned application and the enclosed computer readable copy of the Sequence Listing are the same.

Respectfully submitted,

Date: Aug 17, 1999

A handwritten signature in cursive script, reading "Benjamin Aaron Adler".

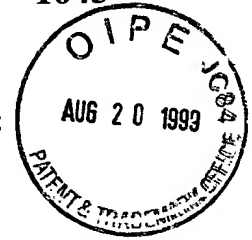
Benjamin Aaron Adler, Ph.D., J.D.
Counsel for Applicant
Registration No. 35,423

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RECEIVED
AUG 24 1999

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Rosenblum, *et al.* § ART UNIT: 1643
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FILED: May 26, 1999 §
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Surface Antigens §



The Assistant Commissioner of Patents and Trademarks
BOX NON-FEE AMENDMENT
Washington, D.C. 20231

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

Dear Sir:

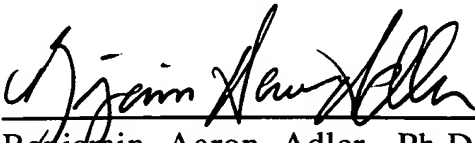
I hereby certify under 37 CFR 1.8 that the following correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to Commissioner of Patents and Trademarks, Washington DC 20231.

- 1) Response to Notice to Comply with Requirements for Sequence Disclosures (2 pages);
- 2) Sequence Listing, Disk & Sequence Compliance Form;
- 3) Copy of Notice to Comply with Requirements for Sequence Disclosures; and,
- 4) Return Postcard

Please return the enclosed postcard acknowledging receipt of this correspondence.

Respectfully submitted,

Date: Aug 17, 1999
McGREGOR & ADLER, LLP
8011 Candle Lane
Houston, Texas 77071
(713) 777-2321
BAADLER@flash.net


Benjamin Aaron Adler, Ph.D., J.D.
Counsel for Applicant
Registration No. 35,423



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARK
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/320,156 05/26/99 ROSENBLUM

M

D5425CIP2

0242/0729



NOT ASSIGNED

BENJAMIN AARON ADLER
MC GREGOR & ADLER LLP
8011 CANDLE LANE
HOUSTON TX 77071

1643
DATE MAILED:

07/29/99
07/29/99

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application fails to comply with the requirements of 37 CFR 1.821 - 1.825.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☒ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ 7. OTHER: _____

APPLICANT MUST PROVIDE:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing."
- ☐ An initial or substitute paper copy of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE CONTACT:

- ☒ For Rules Interpretation, call (703) 308-1123.
- ☐ For CRF submission help, call (703) 308-4212.
- ☒ For Patent software help, call (703) 308-6856.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

FORM PTO-1001 (REV. 5-97)

PART 2 - COPY TO BE RETURNED WITH RESPONSE

BEST AVAILABLE COPY